

**REMARKS**

The Office Action raised an issue under 35 U.S.C. §101 with regards to Claims 12-14. Applicant appreciates the comments of the Examiner on this issue and has appropriately amended the claims to moot this rejection.

In our present claims, we have further clarified that a user control operational device includes a display unit and that our transmission unit of the playback apparatus causes this operation device to display information about whether a playback control is enabled or disabled on the display unit, independent from any display screen for realizing the video stream. These features are supported in our specification, for example on Page 21, Line 16 to Page 24, Line 25, and in various figures such as Figures 13 and 14.

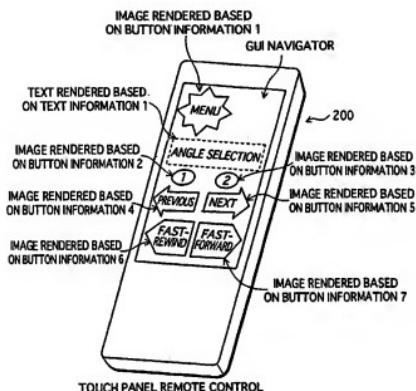
We have further added the terminology non-transitory recording medium or information recording medium in Claims 12 and 14, and have defined in Claim 13 that our playback apparatus and our operating device are distinctly defined.

The present invention provides a playback apparatus with a user control operating device, such as a handheld remote control member, capable of informing a user of the availability of a playback control that is enabled at a current playback point without disturbing the displayed scene of the playback image on a display screen. Thus, we do not interrupt an artistic playback of a movie work by burdening the display screen with transitory control images that are added to a basic movie work to expand options for a viewer.

One embodiment of the present invention can utilize a touch panel remote control 200 that can interface and control the playback apparatus, for example through a radio interface unit 31 to enable display information to be provided to a touch panel 33 as shown in Figure 13. Various images or button information can be realized and displayed only during a time period

that a particular play item is being decoded and actively displayed to the user, as shown for example in Figure 15. The touch panel remote control 200 is disclosed schematically in Figure 13 and shown as a GUI navigator in Figure 14, as follows:

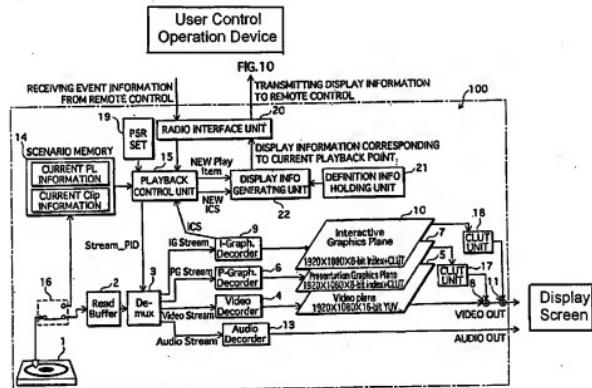
FIG.14



The relationship of the remote control 200 can be seen in the schematic of Figure 10 where a radio interface unit 20 establishes a communication link with the remote control operation device and receives event information as selected by the operator on the remote control and can transmit display information for buttons to be appropriately displayed as encoded, for example in a BD-ROM. The decoded information can provide sub-picture images to define a Play Item and information associated therewith during a playback timeline, as shown for example in Figure 9 and as described in Paragraph [0071] as follows:

[0071] The greatest merit of the Play Item is being able to increase the range of a moviemaker's expression, since the variations of a movie work

increase simply by defining different pieces of the PL information. FIG. 9 illustrates the UO\_mask\_Table and PLMark in the Play Item. The Play Item, as shown by the leader h51 in the drawing, includes the UO\_mask\_Table that is identical to the UO\_mask\_Table in the ICS. Accordingly, it is possible to define the playback control to be masked for each Play Item. Because the Play Item includes the UO\_mask\_Table, it is possible to specify whether each possible playback control should be enabled or disabled in a time period in which one Play Item is active on a playback timeline of the PL. From the above description, it is clear that the UO\_mask\_Table of the Play Item to which the current playback point in the playback timeline belongs determines what type of playback control is currently possible.



[0157] As described above, according to the present embodiment, every time when the current playback point reaches a point where the starting point of the Play Item or ICS exits, information indicating the playback controls (such as the angle change, the skip next, the skip back, the fast-rewind, and the fast-forward) to be enabled or disabled is transmitted to the touch panel remote control 200, and appropriate navigators are displayed on the touch panel remote control 200. By checking the information displayed on the touch panel remote control 200 while the user watches and listens to the main body of the digital streams, the user can know what kind of operation is available at the current playback point. Knowing the kinds of operation that are available at the current playback point, the user will not miss a chance when it is possible to instruct such

an operation. The information indicating the playback controls to be enabled or disabled is displayed on the touch panel remote control 200 that is separate from a screen to display the playback images of the AV Clip, and thus the information does not interrupt the scenes of the main body of the AV Clip. (underline added)

The Office Action rejected Claims 10-6, 8-9 and 11-14 as being completely anticipated by *Kanazawa et al.* (U.S. Patent No. 6,580,870) under 35 U.S.C. §102.

"[T]he dispositive question regarding anticipation is whether one skilled in the art would reasonably understand or infer from the prior art reference's teaching that every claim [limitation] was disclosed in that single reference.' *Dayco Prods., Inc. v. Total Containment, Inc.*, F.3d 1358, 1368 (Fed. Cir. 2003).

Applicant appreciates that the Examiner's rejection was based upon the original claims and did not address the currently amended claims.

The *Kanazawa et al.* reference is directed to integrating or supplementing audio/visual information, for example on a DVD or a CD-ROM by acquiring related information connected with a standard DVD by downloading information, for example from the Internet. Thus, a standard DVD video title could then be combined with the hypermedia contents provided over the Internet, as follows in Column 2, Lines 1-7:

Still another object of the present invention is to provide a system which enables DVD video titles to be combined with the Internet by an effective use and simple expansion of the DVD standard without changing the standard and which realizes a new service where DVD video titles are combined with hypermedia contents, such as HTML files, provided on the Internet.

With reference to Figure 1, a schematic configuration of basically a PC computer system hooked through a modem to an Internet network is disclosed and the operator interface or "input section 8" is defined in Column 4, Lines 59-60, as follows:

"The input section 8 has a mouse and a keyboard."

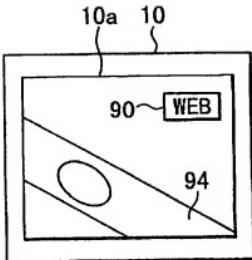


FIG. 11A

It is assumed that stream information (or scene) 94 is being reproduced on the screen 10a of the display section 10 as shown in FIG. 11A. The scene 94 is, for example, the image where a car is running on a road. When the user clicks the Web mark 90 on the screen 10a with the mouse in the input section 8, the judging section 100 starts as shown in FIG. 2 (step S40). Specifically, the judging section 100 judges the validity of resource use on the basis of the information management table 40b, that is, judges whether the Web page corresponding to the stream information 94 specified by the user can be accessed (step S41).

Column 7, Lines 54-64.

*Kanazawa et al.* discloses a reproducing system that displays a specific symbol (a Web mark) on a screen while displaying video images on the same screen, when a Web page relates to one of the video images. If a user aligns a cursor and clicks on the Web mark, the system displays the Web page on the screen together with the video images.

In contrast, Claim 1 of our application recites that an operation device includes a display unit, and the transmission unit of the playback apparatus causes the operating device to display information about whether the playback control is enabled or disabled on the display unit. As is easily understood from a remote control shown in Figures 1, 13, 14 and 17 of the application, the user operation device is separate from a display screen that displays a video stream played back

by the playback apparatus. Accordingly, the display unit included in the operation device is different from a computer screen display device taught by *Kanazawa et al.* The information about whether the playback control is enabled or disabled is, for example, represented by a graphics button on our display unit, as shown in Figures 14 and 17, and never displayed on the same display screen as the video stream is displayed. Therefore, the rejection as being anticipated by *Kanazawa et al.* is inappropriate to Claims 1 and 11-14.

The Office Action cited a teaching in Column 13, Lines 29-49, which describes a video object set for a title incorporating a number of video objects having a navigation packet at the beginning of each stream of the video object. Presumably, the citation was for describing a symbol of a Web that can be incorporated within the DVD video title as a sub-picture with coordinates for a window so that the user can position the cursor within the coordinates of the window and by activating the same, would instigate a link to the Web page that can be simultaneously played on the same screen.

Thus, the express purpose of the *Kanazawa et al.* reference is commercialize the video title by imposing into the scene a Web page mark and then integrating, for example, commercial material such as advertisements or other additional material to be integrated, for example on a split screen of the user display screen.

As mentioned above, maintaining the artistic expression of the movie to the user without interrupting or interfering with such a visual effect, is the purpose of our present invention as defined in our claims. Anyone who attends a movie and sees a proliferation of advertisements that are imposed upon the audience, can appreciate a desire to be entertained and not annoyed by interruptions in the actual playing of the movie.

Our invention provides a separate user operation device that enables the user to have an option of seeking additional information at an appropriate time play within a segment of the video title, without having any interference in the presentation of the movie, forced on the user.

The *Kanazawa et al.* reference further disclosed in Column 5, Line 64 through Column 6, Line 13, a possibility of providing parental controls that could be imposed to limit the material that could be supplemented into the video image. However, the material that is being supplemented or provided as alternative parts of the display screen, is still dealing with the audio/visual principal screen for supplying the movie title. The user setting a parental control does enjoy the advantageous features that we are providing with a separate and independent user operation device that is a common control member in a purchased DVD reproduction system. Our invention provides additional unique features neither contemplated nor taught by the *Kanazawa et al.* reference.

Claims 7 and 10 were rejected as being obvious over the *Kanazawa et al.* reference, while taking Official Notice that the concept and advantage of using a logical sum are well known and expected in this art.

In view of the currently amended claims, however, it is readily apparent that the *Kanazawa et al.* reference neither recognizes nor addresses the problem resolved by our invention. The *Kanazawa et al.* reference does not teach the particular elements defined in our claims, nor the merits in addressing a problem not recognized by *Kanazawa et al.*.

As noted in the MPEP at §2143.02:

A rationale to support a conclusion that a claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill

in the art. *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1395 (2007); *Sakraida v. AG Pro, Inc.*, 425 U.S. 273, 282, 189 USPQ 449, 453 (1976); *Anderson's-Black Rock, Inc. v. Pavement Salvage Co.*, 396 U.S. 57, 62-63, 163 USPQ 673, 675 (1969); *Great Atlantic & P. Tea Co. v. Supermarket Equipment Corp.*, 340 U.S. 147, 152, 87 USPQ 303, 306 (1950). (underline added)

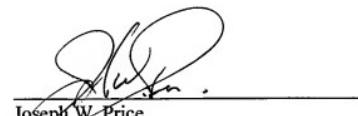
*Kanazawa et al.* taught a specific function of integrating Web content from the Internet into the display screen while posting a Web mark at appropriate times on the viewer display screen to alert or bother the viewer during the playing of the video title. This is the function taught by the *Kanazawa et al.* reference, and it is not capable of providing the solutions currently set forth in our claims.

It is respectfully submitted that the present application is now in condition for allowance and an early notification of the same is requested.

If the Examiner believes that a telephone interview will assist in the prosecution of this case, the undersigned attorney can be reached at the listed telephone number.

Very truly yours,

**SNELL & WILMER L.L.P.**



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